

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANUEL JAMES PLASTER,

Defendant.

NO. CR05-141-MJP

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An evidentiary hearing on a petition for violation of supervised release in this case was scheduled before the undersigned Magistrate Judge on September 21, 2010. The United States was represented by Assistant United States Attorney Jerrod Patterson, and the defendant by Jay Stansell. The proceedings were digitally recorded.

The defendant had been charged and convicted of Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1). On or about July 29, 2005, defendant was sentenced by the Honorable Marsha J. Pechman to a term of 46 months in custody, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in a substance abuse program, financial disclosure, and submit to search.

SUMMARY REPORT OF U.S. MAGISTRATE
JUDGE AS TO ALLEGED VIOLATIONS OF
SUPERVISED RELEASE - 1

1 In a Petition for Warrant or Summons dated February 5, 2009, U.S. Probation Officer
2 Thomas J. Fitzgerald asserted the following violations by defendant of the conditions of his
3 supervised release:

- 4 1. Conspiring to possess cocaine with intent to distribute on or about January 17,
5 2009, in violation of the mandatory condition of supervised release that not
6 commit another federal, state and/or local crime.
- 7 2. Possessing cocaine with intent to distribute on or about January 17, 2009, in
8 violation of the mandatory condition of supervised release that not commit
9 another federal, state and/or local crime.
- 10 3. Possessing cocaine on or about January 17, 2009, in violation of the mandatory
11 condition of supervised release that not commit another federal, state and/or
12 local crime.
- 13 4. Possessing oxycodone on or about January 17, 2009, in violation of the
14 mandatory condition of supervised release that not commit another federal, state
15 and/or local crime.
- 16 5. Possessing hydrocodone on or about January 17, 2009, in violation of the
17 mandatory condition of supervised release that not commit another federal, state
18 and/or local crime.


19 On September 13, 2010, defendant made his initial appearance. The defendant was
20 advised of the allegations and advised of his rights. On September 21, 2010, this matter came
21 before the Court for an evidentiary hearing. Alleged violations 1, 3, 4 and 5 were dismissed
22 without prejudice by the government. Defendant admitted to violation 2 as modified:

- 23 2. Possessing cocaine with intent to distribute on or about January 17, 2009, in
24 violation of the mandatory condition of supervised release that not commit
25 another federal, state and/or local crime. Defendant further admits that the
26 quantity of cocaine involved was one kilogram.

1 I therefore recommend that the Court find the defendant to have violated the terms and
2 conditions of his supervised release as alleged in violation 2, and that the Court conduct a
3 hearing limited to disposition. A disposition hearing on this violation has been set before the
4 Honorable Marsha J. Pechman on October 8, 2010 at 2:30 p.m.

5 Pending a final determination by the Court, the defendant has been detained.

6 DATED this 21st day of September, 2010.

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8 JAMES P. DONOHUE
9 United States Magistrate Judge

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12 cc: District Judge: Honorable Marsha J. Pechman
13 AUSA: Jerrod Patterson
14 Defendant's attorney: Jay Stansell
15 Probation officer: Thomas J. Fitzgerald
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